



Ontario

Ministry of
Community and
Social Services

Special Needs Agreements

A guide for parents

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What is a Special Needs Agreement?

A Special Needs Agreement is a written agreement which permits an agency to provide the services required by your child. The agreement is between you, the Minister of Community and Social Services, and the agency that will be providing the service. The agreement is entirely voluntary and is entered into on the basis of mutual consent.

The agreement formally documents the fact that your child has a special need and that residential services will be provided. Having a completed agreement for each child is important to the Ministry of Community and Social Services since it allows sharing of the costs of service with the federal government.

The agency is involved in writing the agreement with you and in determining with you the kinds of service that will be provided for your child and for you. The agency is also responsible for providing or ensuring the provision of the services that you agree on.

The ministry is involved in monitoring and supervising the general quality of the services offered by the agency. This is what is meant by "The Minister will take the child under his supervision," as stated in the agreement form. In writing the agreement, the minister has delegated some of his authority to agency representatives. This means that the agency enters into the agreement on behalf of the minister and also on its own behalf.

A written agreement is a safeguard for you as well as for the agency since it:

- establishes your rights and responsibilities as a parent;
- establishes the agency's responsibilities and the kinds of service the agency will provide;

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- takes into account the provisions of the new Child and Family Services Act; and
- ensures that you and the agency's representative have discussed the terms and conditions of the agreement.

The legal authority for Special Needs Agreements is Subsection 30 (2) of the Child and Family Services Act, 1984.

How will I be involved in my child's care?

By entering into a Special Needs Agreement you are allowing the agency to care for your child on a daily basis. You will be expected to help agency staff who are involved with your child make important decisions about your child, and to participate in planning services to meet your child's special needs.

The responsibilities you undertake, as well as any special requests you may have arranged with the agency, are outlined in the agreement.

You are expected to maintain contact with your child and to be involved in his or her care. If, for some reason this is not possible, then you may name another person who will maintain contact and be involved with your child's care. When another person is designated, that person's name and address are entered in the agreement.

Medical care and consents

Since the agency has the daily responsibility of caring for your child, agency staff must be able to obtain any treatment which is necessary for your child in an emergency. This is a requirement of the agreement.

In addition to emergency treatment, if your child needs on-going treatment of any kind, you should discuss this with the agency worker at the time you are writing the agreement. The Special Needs Agreement form provides for the listing of any specific treatment that you and the agency agree on. Your consent for this treatment is necessary.

If additional consents for medical treatment are needed, there are two options: either you can agree that the agency will ask for your consent at the time it is needed, or, you may give the agency the authority to consent to medical treatment on your behalf. Whichever option you select is written into the agreement.

Arrangements for medical or hospital services vary to some extent among agencies which provide residential services for children. You should be sure that you discuss these arrangements, including OHIP coverage, with the agency worker.

The agency may need to see records of your child (such as medical or school records) or of yourself. Where this is the case, you will be asked to allow the agency to see or get copies of these records. To make this possible, you will be asked by the agency to sign a consent form giving your permission for the agency to see specific records.

How do I know the arrangements are working out as planned?

To make sure the conditions of the agreement are still appropriate for you and for your child, the Special Needs Agreement is reviewed by you and the agency. If possible, your child will also be involved in the reviews if he or she is 12 years of age or older and is able to understand and participate.

Either you, your child or the agency may request a review. A review can be held at any time but should be held at least before the expiry date of the agreement, or when an extension of an agreement is being considered. The purposes of a review are:

- to discuss whether the conditions of the agreement are still appropriate;
- to make any changes to the agreement; and
- to plan for the future.

A Special Needs Agreement can be changed at any time as long as you and the agency agree on the changes.

Over what period of time does a Special Needs Agreement extend?

Special Needs Agreements are made for up to one year at a time. The beginning and expiry dates are written into the agreement. If the expiry date is reached and your child continues to require residential care, this care may be continued. You will not need to renegotiate the agreement repeatedly since the existing agreement may be extended for any period of time up to a year. Even though a new agreement may not be necessary, it is useful to review the agreement as the expiry date approaches in order to be sure the terms and conditions of the agreement are still appropriate.

Either you or the agency may end a Special Needs Agreement at any time by notifying the other parties to the agreement, in writing, that you wish to terminate the agreement. The agreement terminates 5 days after the day on which every other party has actually received the termination notice. A longer period of time, however, may be specified in the agreement, but this may not exceed 21 days.

All Special Needs Agreements expire when the child reaches age 18.

Do I pay for the cost of my child's care?

In writing the agreement you and the agency worker will discuss the costs of care, any extra costs, what to do about Family Allowance, and what may be a reasonable contribution on your part. Any arrangement you work out will depend on your individual circumstances and existing policies.

Understanding the agreement

It is important for both you and the agency that you fully understand the agreement. If there is anything you don't understand about any aspect of the agreement you should ask the agency worker to explain it to you.

You are also encouraged to consider discussing the agreement with others, for example, a friend or some other knowledgeable person you trust. You may also wish to have another person with you when you sign the agreement.

The agency worker will explain the agreement to your child and will consider your child's wishes, where they can be ascertained. Children age 12 or older are asked to sign the agreement indicating that it has been explained to them. If a child is not able to understand or to sign the agreement, this is noted on the agreement form. Children age 16 and older are also asked to sign the agreement if they are able to understand and participate.


What forms are used for a Special Needs Agreement?

You will be asked to sign two copies of the Special Needs Agreement.

Depending on circumstances you may be asked to sign additional forms. These are:

- an Agreement for Payment Towards the Cost of Care;
- a consent form, to permit the agency to see your child's or your records, or to authorize specific treatment for your child;
- the Extension Agreement and/or the Variation Agreement, to extend or to vary the initial agreement.

Once the parties have signed the appropriate documents, one complete copy belongs to you and the other remains with the agency.



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